



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 20, 2013

Melani Dannenberg
Menemsha Solutions
4950 West 145th Street
Hawthorne, CA 90250

**REGARDING: PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097
25910 THE OLD ROAD, VALENCIA CA**

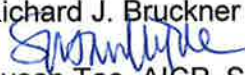
Hearing Officer Paul McCarthy by his action of **November 19, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 4, 2013**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Gretchen Siemers of the Zoning Permits North Section at (213) 974-6443, or by email at gsiemers@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Susan Tae, AICP, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement;

SMT:GS

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097**

1. **ENTITLEMENT REQUESTED.** The applicant, MOD Pizza, is requesting a Conditional Use Permit ("CUP") to authorize the sale of alcoholic beverages pursuant to Los Angeles County ("County") Code Section 22.28.210, in the C-3-DP (Unlimited Commercial—Development Program) Zone.
2. **HEARING DATE.** November 19, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held before Hearing Officer Paul McCarthy. Staff presented background information on the project and recommended approval. The applicant's representative, Melani Dannenberg, presented testimony in favor of the request and answered questions presented by the Hearing Officer. There being no further testimony, the Hearing Officer closed the public hearing and approved the project subject to the conditions recommended by staff and agreed to by the applicant's representative.
4. **PROJECT DESCRIPTION.** The permit would authorize the sale of alcoholic beverages for on-site consumption at a new restaurant, MOD Pizza ("the restaurant"). The new pizza restaurant will locate within an existing tenant space in Valencia Marketplace ("the shopping center"). A plot plan for the tenant improvements has already been approved. The permit authorizes the State Department of Alcohol and Beverage Control ("ABC") to issue a 'Type 41' license for on-sale beer and wine in association with a public eating place. The space the restaurant is locating was the site of a previous restaurant (Barcelona Tapas).
5. **LOCATION.** 25950 The Old Road, Valencia, CA
6. **EXISTING ZONING.** The subject property is zoned C-3-DP in the Newhall Zoned District. Surrounding properties are zoned as follows:
 - North: C-3-DP, O-S (Open Space)
 - South: C-3-DP; RPD-1-1.4U (Residential Planned Development—One Acre Minimum Required Lot Area—1.4 Dwelling Units per Acre)
 - East: C-3-DP
 - West: RPD-1-1.4U
7. **EXISTING LAND USES.** The subject property is developed with a large multi-tenant commercial center and associated parking. Nearby tenants include a real

estate office, bank, beauty salon, clothing stores, childcare center, and two additional restaurants that sell beer and wine. A grocery store (Vons) also sells a full line of alcohol for off-site consumption. There are a total of 20 restaurants in the shopping center, 8 of which sell alcoholic beverages, as detailed in the table below.

Restaurant	Beer and Wine	Distilled Spirits
MOD Pizza (<i>Pending—previously Barcelona Tapas</i>)	✓	
Cabo Cabana Grill	✓	
Chili's Grill & Bar	✓	✓
Chuck E. Cheese	✓	
Claim Jumper Restaurant	✓	✓
Kyoto Sushi	✓	
Romano's Macaroni Grill	✓	✓
Wood Ranch Barbecue	✓	✓

Surrounding properties are developed as follows:

North: Hotels, fast-food restaurants, gas station

South: Single-family residential, hotel

East: Fast-food restaurants, Interstate 5

West: Single-family residential

8. **PREVIOUS CASES/ZONING HISTORY.** DP CUP 86294 established the use of this parcel and surrounding parcels for the shopping center, as a part of the Stevenson's Ranch project. Since then, there have been a number of modifying permits including one Variance, four Plot Plans, nine Revised Exhibits "A," and five Conditional Use Permits. In 2010, CUP No. 201000023 was approved for the sale of beer and wine in association with the restaurant that was previously located within the same tenant space as the proposed project.
9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project is consistent with the goals, policies, and mapped land use designations in the County General Plan (General Plan) and the Santa Clarita Valley Areawide Plan (SCV Plan). The project site is located within the "CM" (Major Commercial) category of the SCV Plan, a component of the General Plan. The CM land use designation is intended for a wide range of commercial and visitor-serving uses. The use is a small

restaurant in a multi-tenant commercial center, and the previous establishment within this tenant space had a license to sell beer and wine with food. The addition of alcoholic beverages to the menu will contribute to the viability of the restaurant and help activate the shopping center by attracting visitors seeking a full-service dining experience throughout the day, including evening hours when the retail establishments are closed. In addition, the commercial center houses various other existing restaurants that sell alcoholic beverages. Therefore, the proposed project is consistent with, and will enhance, the uses intended in the underlying land use category.

The following land policies of the General Plan are applicable to the subject property and serve as a guideline for land use and development:

General development policy 64: Promote jobs within commuting range of urban residential areas in order to reduce commuting time, save energy, reduce air pollution, and improve public convenience.

The project is located within the vicinity of residential areas, offices and recreational uses. As a restaurant, the project will employ a number of individuals who may live or work in the nearby residential areas, thereby reducing commuting times to and from the restaurant to home, work, and recreation.

The following policies of the SCV Plan are applicable to the proposed project and serve as a guideline for land use and development:

Land Use Element Policy 6.1: Encourage the appropriate mix of land use types to prevent disharmony and degradation. Residential, commercial, employment, recreational, and cultural uses should be integrated using appropriate buffering techniques to create a cohesive community.

The project is consistent with the above policy. A restaurant serving alcoholic beverages adds to diversity of the commercial center with a variety of uses, including, retail, restaurants and hotels, as well as residential uses and recreational uses. Although the uses are close in proximity, the retail is adequately buffered from the residential to prevent disharmony. Specifically, the restaurant is over 200 feet from the nearest residential use, and Hazelcrest Lane and Sagecrest Circle separate the shopping center from the residences.

Land Use Element Policy 12.1, Lifestyle Options: Promote and support efforts by public and private agencies and citizen groups to provide the opportunity for a choice of living, working, recreation, and cultural pursuits for all ages, incomes, and ethnic groups. This variety of choice includes: housing densities, types, prices, rents, configurations, and sizes; employment opportunities (commerce,

manufacturing, sales, professional, etc); recreational activities (parks, theaters, indoor sports, amusement parks, bike paths, equestrian trails, etc.); and cultural facilities (museums, libraries, schools, etc.).

The proposed addition of beer and wine to the menu at the new restaurant gives patrons a greater choice in beverage consumption with their dining experience. Furthermore, the restaurant proposes to sell beer, which is typical in traditional pizza restaurants and a lifestyle option for residents and visitors.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The restaurant is subject to the permit requirements of Section 22.56.195 of the County Code, which requires a CUP with additional findings for establishments that propose to sell alcoholic beverages.

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone are subject to the zone's basic development standards, which include a net area maximum, minimum parking, and limits on outside display and storage. Specifically, the net area occupied by buildings shall not exceed 90 percent of the net lot area, with 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which are required to be continuously maintained in good condition. The subject site is adequately landscaped with shrubbery and trees on all sides, and the net area occupied by structures is less than 90 percent.

Outside display is prohibited and outdoor signage is limited to advertising. The restaurant has one outdoor sign to advertise to patrons, which is consistent with the standards in the zone. Outside storage is only permitted on the rear of the lot, when incidental to the use. No outside storage exists or is proposed on the site.

Pursuant to Part 11 of 22.52, parking facilities shall be provided for a restaurant at a ratio of one space for every three occupants. According to the County Department of Public Works, the restaurant has an occupant load of 138 persons and requires 46 parking spaces to accommodate patrons and staff, including one handicapped-accessible parking space. The majority of the shopping center is subject to a reciprocal parking agreement, tying the parcels together to combine parking resources. The total required spaces in the reciprocal parking area are 3269, and the total provided parking spaces are 3625.

Prior to the establishment of the shopping center on the subject site, the zoning was changed from A-1 (Light Agricultural) to C-3, and a Development Program (DP) overlay zone designation was placed on the property. The DP restricts the type and intensity of use on the subject parcel to minimize potential impacts on

neighboring properties. The new restaurant was established in accordance with the underlying DP-CUP; the addition of alcohol sales is not in conflict with the intent of the DP-CUP. The addition of alcohol sales at the subject site is consistent with the DP's conditions on this parcel.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** Based on the factual information provided, as well as the analysis of consistency with current adopted plans and ordinances, the proposed sale of alcoholic beverages at the established restaurant will not have a negative impact on the community. The location of the subject site is well-suited for the restaurant use, and has been used as a restaurant without complaint. The sale of beer and wine to be served with meals is an asset to the commercial center and to the neighborhood.

Currently, the restaurant closes at 10:00 P.M. on weeknights and 11:00 P.M. on weekends. The majority of the surrounding retail locations are closed around 7:00 P.M., except for the other existing restaurants. Because of the hours, as well as the significant separation and buffering of the shopping center from the residential areas, there will be little-to-no impact of noise and traffic on the surrounding properties.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Sheriff's Department reviewed the application and had no objections to the use.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** The State Department of Alcohol and Beverage Control (ABC) reviewed the request and requires a letter of public convenience due to the undue concentration of uses that sell alcoholic beverages at this location.
14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. **PUBLIC COMMENTS.** No comments from the public have been received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

16. The project is consistent with the goals, policies, and mapped land use designations in the County General Plan (General Plan) and the Santa Clarita Valley Areawide Plan (SCV Plan), as discussed in Finding No. 9, above.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

17. The proposed sale of alcoholic beverages at the new restaurant is justified at the current location because the addition of beer and wine to the menu at the new restaurant will not generate negative impacts on the surrounding properties. The restaurant does not create noticeable noise, or attract criminal elements. In fact, the option to consume beer and wine with meals will enhance the dining experience. Furthermore, the restaurant will offer kids' parties and a family-friendly environment. Therefore the use will not be materially detrimental to residents in the vicinity.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

18. The site is adequate in size and shape to accommodate all development features related to the sale of alcoholic beverages for on-site consumption. The restaurant and the shopping center in which it is located meet all standards and requirements of the zone. The facility will continue to operate in a manner that is consistent and compatible with the surrounding area.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

19. The use is adequately served by The Old Road, an existing Secondary Highway on the County Master Plan of Highways, and Stevenson Ranch (McBean) Parkway, an existing Major Highway. The Old Road is an existing Class III Bike Path on the County Master Plan of Bikeways, and is proposed as a Class II. Stevenson Ranch Parkway is an existing Class II Bike Path. The use is also served by public utility infrastructure already in place, such as water and sewer services. The use is not expected to generate additional need for these road or utility networks. The sale of beer and wine for on-site consumption is ancillary to the restaurant, and the existing roads and parking are sufficient to accommodate any increase in patronage that the addition of alcoholic beverage sales may generate.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicular traffic such use would generate, and by other public or private service facilities as are required.

20. No schools, places of worship, parks or playgrounds, or similar uses exist within a 600-foot radius of the use. There is one childcare center (Kindercare) in the shopping center and within the 600-foot radius. This center primarily caters to preschool-aged children whom are not typically susceptible to alcohol abuse, as are teenagers and older children. Further, the public convenience of having the availability of beer and wine at the restaurant outweighs any concern of potential negative impacts of alcoholic beverages on small children. In addition, the restaurant is family-friendly and offers kids' parties and will have no negative impacts on the children attending the childcare center.

Therefore, the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.

21. The shopping center is separated from nearby residences by a landscaped, manufactured slope, and further buffered by Stevenson Ranch Parkway and the I-5 freeway. All access to the commercial center is via The Old Road or Stevenson Ranch Parkway.

Therefore, the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and

22. There are other establishments in the immediate vicinity that are licensed to sell alcoholic beverages. While the addition of the sale of alcoholic beverages for on-site consumption at the subject establishment constitutes an undue concentration, this addition provides a public convenience. Local residents and visitors will patronize this establishment often, and the option to consume beer or wine while eating pizza enhances the dining experience. Thus, the public convenience outweighs the fact that the subject location is within the vicinity of other establishments selling alcoholic beverages.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may

find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and

23. The proposed sale of alcoholic beverages will positively affect the economic welfare of the nearby community because the addition of a customary service—alcohol sales—will allow this establishment to compete with other restaurants in the vicinity and allow for greater dining choices.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

24. As a new restaurant requesting to add beer and wine to the menu, there are no proposed changes to the façade or exterior appearance of the structure, so as to conflict with the appearance of the structures in the immediate vicinity. The subject restaurant is located within an established shopping center. Thus, no blight or impaired property values will result from the addition of alcohol sales for on-site consumption at this location.

Therefore, the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

ENVIRONMENTAL DETERMINATION

25. County staff recommends that this project be exempt from the California Environmental Quality Act (CEQA) pursuant to a Class 1 Categorical Exemption. This project is a restaurant requesting to sell alcoholic beverages, and no new construction or modification to existing structures is proposed, aside from minor interior improvements. Furthermore, the project is not located in a mapped resource area and no special circumstances exist that would require additional environmental analysis.
26. Therefore, the project qualifies as a Categorical Exemption (Class 1) and is consistent with the finding by the State Secretary for Resources or by local

guidelines that this class of projects does not have a significant effect on the environment.

27. **LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.
28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle and vehicular traffic such use would generate, and by other public or private service facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;

- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 and 22.56.195 of the Los Angeles County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201300097 is approved subject to the attached conditions.

ACTION DATE: November 19, 2013

SMT:GS
11-07-2013

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2013-01945-(5)
CONDITIONAL USE PERMIT NO. 201300097**

PROJECT DESCRIPTION

The project is a Conditional Use Permit ("CUP") for the sale of beer and wine in association with a restaurant, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on November 19, 2023.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to

determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings

shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **four (4) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or State Department of Alcoholic Beverage Control ("ABC") agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the ABC. All new designated employees shall be required to attend. The licensee shall provide upon request, proof of completion of the restaurant's training program by employees, the licensee, and all managers.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.

25. This grant authorizes the sale of alcoholic beverages 11:00 A.M.-10:00 P.M. Sunday-Thursday, and 11:00 A.M.-11:00 P.M on Friday and Saturday.
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. There shall be no live entertainment, dancing, or dance floor is authorized in or outside the premises.
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited including patios, sidewalks, porches, etc.
33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
34. Not less than fifty-one percent (51%) of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to Regional Planning, ABC, or the Sheriff's Department on demand.

PROJECT SITE SPECIFIC CONDITIONS

35. This grant shall authorize the sale of alcoholic beverage—beer and wine only—in association with a public restaurant.